

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

JAMES DUFFY,)	
)	
Plaintiff,)	8:03CV31
)	
vs.)	
)	ORDER
FATHER FLANAGAN'S BOYS HOME,)	
)	
Defendant.)	

This matter is before the court on the defendant's Motion to Strike Defendant's Brief in Support of Motion for Summary Judgment (Filing No. 100). The defendant seeks to have the initial brief (Filing No. 98) in support of the motion for summary judgment (Filing No. 97) stricken. The defendant seeks to file an amended brief to correct one sentence on page four and two sentences on page five to change a date and the plaintiff's age in the defendant's argument. Specifically, the defendant seeks to change the date from which the plaintiff allegedly should have filed suit from 1986 to 1987, which is four years from when the plaintiff turned twenty-one, rather than twenty. Upon consideration,

IT IS ORDERED:

1. The defendant's Motion to Strike Defendant's Brief in Support of Motion for Summary Judgment (Filing No. 100) is granted. The defendant shall re-file the corrected brief **on or before January 12, 2006.**
2. The Clerk of Court shall strike the defendant's original brief (Filing No. 98).
3. The plaintiff's deadline for filing a response to the defendant's motion for summary judgment (Filing No. 97) remains unchanged.

DATED this 11th day of January, 2006.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge